

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
OAKLAND DIVISION

UNITED STATES OF AMERICA, ) NO. CR-15-181-HSG  
Plaintiff, )  
v. ) **ORDER DETAINING DEFENDANT NICOLE**  
NICOLE BERRY, ) **BERRY**  
Defendant. )

Defendant Nicole Berry is charged with conspiracy to file false claims, theft of government property, access device fraud, and aggravated identity theft in violation of 18 U.S.C. §§ 286, 641, 1029, and 1028A. On May 21, 2015, the United States moved for Berry's detention as flight risk and as a danger to the community pursuant to 18 U.S.C. § 3142. The Magistrate Court set the matter for a detention hearing on June 1, June 4, June 22, July 1, and July 24, 2015, pursuant to 18 U.S.C. § 3142(f).

In preparation for the detention hearing, Pretrial Services prepared a bail report and recommended that Berry be detained as a danger to the community and as a flight risk. The bail report noted Berry's prior criminal history, which included several arrest warrants, convictions, probation violations, and failures to appear in court.

On July 24, 2015, following a hearing pursuant to 18 U.S.C. § 3142(f), and considering the bail report, the alleged offense conduct in this case, and the factors set forth in 18 U.S.C. § 3142(g), the Court ordered defendant detained, as no condition or combination of conditions in 18 U.S.C. § 3142(c)

1 will reasonably assure the safety of any other person and the community or mitigate the risk of flight.

2 See 18 U.S.C. § 3142(e) and (f).

3 Accordingly, **IT IS HEREBY ORDERED** that Berry be detained as no condition or  
4 combination of conditions in 18 U.S.C. § 3142(c) will reasonably assure the safety of any other person  
5 and the community and because there is a risk that she may flee.

6 **IT IS SO ORDERED.**

7  
8 DATED: August 3, 2015



9  
10 HON. DONNA M. RYU  
11 United States Magistrate Judge  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28